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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/044,463	01/10/2002	Davide R. Grassetti	497872000400	9878	
7590 06/15/2005			EXAMINER		
Davide R Grassetti			MITCHELL, GREGORY W		
1980 Peppermi Jamestown, CA		ART UNIT	PAPER NUMBER		
Jamestown, Cz	4 93321		1617		
			DATE MAILED: 06/15/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Applicatio	n No.	Applicant(s)				
		10/044,46	3	GRASSETTI ET AL.				
		Examiner		Art Unit				
		Gregory W		1617				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)🛛	Responsive to communication(s) filed on	10 January 2002						
2a) 🗌	This action is FINAL . 2b)] This action is no	on-final.					
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4) \(\times \) 5) \(\times \) 6) \(\times \) 7) \(\times \)	Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. Claim(s) is/are allowed. Claim(s) is/are rejected.							
Application	on Papers							
9) The specification is objected to by the Examiner.								
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
i	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	nder 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some color None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)								
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-9	48)	4) Interview Summary Paper No(s)/Mail Da					
3) 🔲 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/ No(s)/Mail Date		5) Notice of Informal P 6) Other:		O-152)			

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Claims 1-24 are pending and are subject to the restriction requirement as set forth herein.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) A single disclosed species of an <u>immune response</u> (e.g. a T cell, natural killer cell, B cell, specific cytokines, etc.); and
- (2) A single disclosed <u>compound</u>.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of **BOTH** a single disclosed species of **immune response** <u>AND</u> a single disclosed species of **compound** for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 1-3, 5, 7, 9-24 are generic as to an immune response. Claims 1-24 are generic as to a compound.

The search for all species of immune response with the claimed compounds presents an undue burden on the office due to their separate fields of search. Note that the search is not limited to the patent files.

The search for all species of compounds useful in the method herein presents an undue burden on the office due to their separate and distinct fields of search. Note for example, a compound of R-S-S-R wherein R is a pyridinyl, the method will be classified

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in 514/336, but a compound of R-S-S-R wherein R is pyrimidinyl, the method will be classified in 514/256.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call to the attorney is not required where: 1) the restriction requirement is complex, 2) the application is being prosecuted pro se, or 3) the examiner knows from past experience that a telephone election will not be made (MPEP)

§ 812.01). Therefore, since this restriction requirement is considered complex, a call to the attorney for telephone election was not made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W Mitchell whose telephone number is 571-272-2907. The examiner can normally be reached on M-F, 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwm

SPEENI PADMANABHAN SUPERVISORY PATENT EXAMINER